

JUDGE BERMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
CLERK OF COURT
ELECTRONICALLY FILED
CASE:
DATE FILED: AUG 01 2019
ORIGINAL

UNITED STATES OF AMERICA

- v. -

ROILAND GOTIANGCO,

Defendant.

:
:
:
: INDICTMENT
:
: 19 Cr.

X 19 CRIM 558

COUNT ONE
(Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2016, through at least in or about July 2018, in the Southern District of New York and elsewhere, ROILAND GOTIANGCO, the defendant, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, GOTIANGCO falsified customer refund requests and caused his employer, Company-1, to credit such falsified refunds into GOTIANGCO's personal credit and debit card accounts, and in connection therewith and in furtherance

thereof, GOTIANGCO transmitted and caused to be transmitted interstate emails.

(Title 18, United States Code, Sections 1343 and 2.)

Count Two
(Aggravated Identity Theft)

The Grand Jury further charges:

2. From at least in or about 2016, through at least in or about July 2018, in the Southern District of New York and elsewhere, ROILAND GOTIANGCO, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit, GOTIANGCO created and sent falsified emails authorizing credit card refunds that purported to be sent by Company-1 employees, from their Company-1 email accounts, which those Company-1 employees had not, in fact, sent, during and in relation to the wire fraud offense charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), (b) and 2.)

Count Three
(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about 2016, through at least in or about July 2018, in the Southern District of New York and elsewhere, ROILAND GOTIANGCO, the defendant, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, GOTIANGCO, without authorization, accepted payments from certain Company-1 customers in exchange for concealing the amounts those customers owed to Company-1, thereby depriving Company-1 of the amounts owed by those customers, and in connection therewith and in furtherance thereof, GOTIANGCO transmitted and caused to be transmitted interstate wire transfers of funds.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

4. As a result of committing the offenses charged in Counts One, and Three of this Indictment, ROILAND GOTIANGCO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

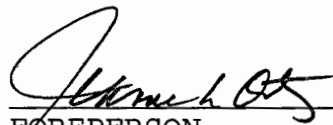
Substitute Asset Provision

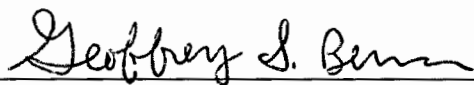
5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853(p); and
Title 28, United States Code, Section 2461(c).)


FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROILAND GOTIANGCO,

Defendant.

INDICTMENT

19 Cr.

(18 U.S.C. §§ 1028A, 1343 and 2.)



GEOFFREY S. BERMAN
United States Attorney.

8/1/2019 Indictment Filed,
Case assigned to Judge Berman
U.S.M.J.
(WVT)